

REMARKS

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Claims 1-19 are now present in this application, of which claims 1, 5, and 9 are independent. Claims 1-10 have been amended and claims 11-19 have been added.

Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Information Disclosure Citation

Each of the three Information Disclosure Statements filed by Applicants to date have been considered by the Examiner, and initialed PTO-1449 or PTO-SB08 forms have been provided by the Examiner. Therefore, no outstanding issues remain with respect to the consideration of Information Disclosure Statements.

Drawings

The Office Action indicates that the drawings are accepted by the Examiner and therefore, no further action is necessary at this time.

Non-statutory Obviousness-Type Double Patenting Rejection

Claims 1-3, 5-7, and 9 stand provisionally rejected under the judicially created doctrine of Non-statutory obviousness-type double patenting as being unpatentable over claim 8 of copending Application No. 11/181,801 and claim 5 of copending Application No. 10/751,978. These rejections are respectfully traversed.

Complete discussion of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Because each of the rejections is based on 35 USC §103, what is in issue in such a rejection is "the invention as a whole", not just a small part of the preamble of the claimed invention. Under 35 U.S.C. §103, "[a] patent may not be obtained . . . if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." The determination under §103 is whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. See In re O'Farrell, 853 F.2d 894, 902, 7 USPQ2d 1673, 1680 (Fed. Cir. 1988). In determining obviousness, the invention must be considered as a whole and the claims must be considered in their entirety. See Medtronic, Inc. v. Cardiac Pacemakers, Inc., 721 F.2d 1563, 1567, 220 USPQ 97, 101 (Fed. Cir. 1983). By failing to address all of the features of claims 1 and 5, the rejection fails to evaluate the invention as a whole and the rejection is improper and should be withdrawn.

Moreover, as pointed out in MPEP 804, because the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a **35 U.S.C. 103(a)** rejection, the factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under **35 U.S.C. 103** are employed when making an obvious-type double patenting analysis. These factual inquiries are summarized as follows:

- (A) Determine the scope and content of a patent claim and the prior art relative to a claim in the application at issue;
- (B) Determine the differences between the scope and content of the patent claim and the prior art as determined in (A) and the claim in the application at issue;
- (C) Determine the level of ordinary skill in the pertinent art; and
- (D) Evaluate any objective indicia of nonobviousness.

The conclusion of obviousness-type double patenting is made in light of these factual determinations.

Any obviousness-type double patenting rejection should make clear:

- (A) The differences between the inventions defined by the conflicting claims - a claim in the patent compared to a claim in the application; and
- (B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Furthermore, a rejection must be based on objective factual evidence rather than mere conclusory statements by an Examiner, See, *In re Lee*, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). Absolutely no objective factual evidence is presented in support of this speculative conclusion of obviousness.

Applicant respectfully submits that a *prima facie* case of double patenting has not been established because the Office Action fails to discuss all of the features of amended claims 1, 5, and 9. Rather the Examiner makes general statements without discussing all of the features of the independent claims.

Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1-3, 5-7, and 9 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Dober. Claims 4, 8, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dober in view of Nukaga or Otani. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to recite a combination of steps in a method for smoothing wrinkles of the laundry in a washing machine including "injecting the generated steam to the laundry in the drum while rotating the drum of the washing machine."

Similarly, independent claim 5 has been amended to recite a combination of steps in a method for smoothing wrinkles of the laundry in the washing machine including "injecting the

generated steam for a first pre-set time to the laundry in the drum while rotating the drum of the washing machine.”

Independent claim 9 has also been amended to recite a combination of steps in a method for smoothing wrinkles of the laundry in a drum-type washing machine including “injecting the generated steam for a first pre-set time to the laundry in the drum.”

Applicants respectfully submit that this combination of steps as set forth in independent claims 1, 5, and 9 are not disclosed or made obvious by the prior art of record utilized by the Examiner.

The Examiner alleges that Dober discloses injecting steam generated, for a first pre-set time to the laundry in the drum while rotating the drum of the drum-type washing machine.

Applicants respectfully submit that Dober fails to teach or suggest “injecting” as set forth in the claims. As seen in FIG. 1 of Dober, a heating element 12 is disposed between element 3, which Applicants assume is a tub, and drum 2. As the water is heated, the steam naturally rises into the drum. Therefore, Dober fails to show or describe steam being injected into the drum.

For at least this reason, Dober fails to anticipate claims 1, 5, and 9 and the § 102 rejections must be withdrawn. None of the other references relied on by the Examiner were cited regarding this deficiency of Dober and therefore, the § 103 rejections cannot be maintained.

Moreover, each of independent claims 1, 5, and 9 have been amended to recite the step of “displaying that the wrinkle smoothing process is being performed.” None of the references cited by the Examiner teaches this additional step. Therefore, for at least this additional reason, independent claims 1, 5, and 9 are allowable.

With regard to dependent claims 2-4, 6-8, and 10, Applicants submit that these claims depend, either directly or indirectly, from one of independent claims 1, 5, and 9, which are allowable for the reasons set forth above, and therefore these claims are allowable based on their dependence from one of claims 1, 5, and 9. Reconsideration and allowance thereof are respectfully requested.

Claims 11-19

Claims 11-19 have been added for the Examiner’s consideration. Applicants submit that claims 11-19 depend, either directly or indirectly, from one of independent claims 1 and 5, and are

therefore allowable based on their dependence from one of claims 1 and 5, which are believed to be allowable.

In addition, claims 11-19 recite further limitations which are not disclosed or made obvious by the applied prior art references.

Consideration and allowance of claims 11-19 are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot.

Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chad D. Wells, Registration No. 50,875, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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